

4 *Made in America 15. 17*
AN ADDRESS

TO

The Right Honourable L—d M—sf—d;

IN WHICH

THE MEASURES OF GOVERNMENT,

RESPECTING AMERICA,

ARE CONSIDERED

IN A NEW LIGHT:

WITH A VIEW

TO HIS LORDSHIP'S INTERPOSITION

THEREIN.

L O N D O N:

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ADDRESS

THE SECRETARY OF THE

NAVY

THE NAVAL OFFICE

RESPECTFULLY

WILLIAM

WITH A

TO THE LORDSHIP OF THE TREASURY

THREE



P. O. N. D.

Printed by J. ALMON

in Fleet Street

Opposite One

AN ADDRESS

TO

The Right Honourable L—d M—sf—d;

MY LORD,

THE Time is come, when the Eyes, and the Ears, of the British Nation, are all opened to see, and to hear, what is doing, and what is to be done, on the great political Theatre of this Kingdom. Your Lordship therefore, as one of the Managers, will not be startled at being thus addressed, with the Sound of a Catcal, by one obscured among his Fellow-Gods in the upper Regions of the House. You know, my Lord, that this is, *inter alia*, the Birthright of an Englishman: to which however, be it said, that I do not here lay claim, but with a View *to save*, and not *to damn*. The Tragedy, that has been long acting, is now drawing near to a Conclusion. The Plot

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thickens,

thickens, the unhappy Catastrophe is at Hand. The Cries of the People already shew that their Feelings are touched, their Affections moved, their Passions wrought upon—in so much, my Lord, that what is to come, I fear, will press too hard upon their animal Spirits. The bloody Scenes as yet remain unrepresented to the Sight! These, these, my Lord, will shock Humanity, perhaps more than Humanity can bear. Distress, carried beyond a certain Pitch, turns into Rage and Madness; and Rage and Madness know not what is past, what is present, or what is to come. Think a little then, my Lord, during the last Interlude, on the Temper and Disposition of the Audience. Observe, *Quid valeant humeri, quid ferre recusent*. It is not too late to give a Turn to this Drama, that may convert Catcalls into Plaudits, Tears into Smiles. One of our greatest Playwrights, and best Judges of the human Heart (*a*), has proved, that the deepest Tragedy may systematically be made to have a happy Ending (*b*). Of this Allusion, my Lord, there needs no Application. *Verbum sat Sapienti*. In your Lordship's Hands the Task is already done.

But, my Lord, without Allegory, and in plain simple Language, placed as your Lordship is, at the Head of British Jurisprudence, I cannot help looking up to your Lordship, upon the *present* Principles of the Constitution,

as

(*a*) Cor greve.

(*b*) Mourning Bride.

as the natural Guardian, if a civil Institution can be so termed, of British Liberty; however Experience might have shewn that this Subject and this Predicate have not always been universally or morally true. This Country has had its Jefferies, and others, in the same dignified Situation with your Lordship: but who, following the Example of the Devil in Milton, “perverted all things or to their meanest Use or worst Abuse.” If therefore to Characters such as these are, your Lordship’s should be the very opposite Contrary, what Happiness is it for this Community, what Heart-feeling Satisfaction to yourself! Your Lordship’s should be, did I say? Your Lordship’s is the very opposite Contrary; of which, were I not anticipated in the Subject, the Parallel that I could draw would furnish the most ample Conviction: but to say what every body knows, and to set about to prove that, which is not denied, is a Species of Tautology as inadmissible in Ideas as in Words. Besides, indeed, the Instances are so numerous, that they would extend a Performance of this kind far beyond its Bounds of Limitation.

However, my Lord, I cannot, in Justice either to your Lordship or myself, pass by a Precedent or two, which, whilst their Recency leaves their Impression on my Mind, their Circumstances are so many Proofs in Point of the Position that I have here advanced.

What

What I allude to, my Lord, is in Part the Case of Campbell against Hall; or rather your Lordship's late Determination upon that Case. The state of the Case, I think, is shortly this: Alexander Campbell, Planter, of the Island of Granada in the West-Indies, brings his Action in the Court of King's Bench here, against William Hall, Collector of the said Island (both Parties being at the Time in England) for so much Money had and received to his, the Plaintiff's, Use: for that the Defendant, as Collector of the Customs in the said Island, had received the said Money as a Tax from him the Plaintiff, without lawful Authority for so doing. This is the Plaintiff's general Cause of Action against the Defendant, founded on the following particular Facts. The Island of Granada, by Force of Arms, capitulated to the Crown of Great Britain: Sometime after, that is to say, on the 10th of February 1763, the Island is ceded to the Crown of Great Britain by Treaty of Peace: On the 7th of October 1763, a Proclamation under the Great Seal establishes a Legislature therein, in like manner with the other Colonies of Great Britain. On the 3d of April 1764, a Commission is given to Mr. Melville, as Governor thereof, to carry the Terms of the Proclamation, of the 7th of October 1763, into Execution. On the 20th of July 1764, a Proclamation issues, laying a Tax of $4\frac{1}{2}$ *per Cent* upon the Export of all Goods from the said Island. Under these Circumstances the

Defendant

Defendant receives the Tax of the $4\frac{1}{2}$ *per Ct.* from the Plaintiff: Under these Circumstances the Plaintiff contends, that the Defendant was not warranted by Law so to do. Your Lordship gives Judgment for the Plaintiff.

Now, my Lord, in comparing this Case with the well known Case of Ship-Money, it has not been in my Power to find out any essential Difference or Distinction between them; and yet your Lordship knows, that Mr. Noy, the then Attorney General was wise and wicked enough to frame a Writ on purpose for Charles the First to proceed upon, which Sir John Finch, with all the other Judges (except Judge Hutton, and Judge Crooke's Wife who stopped her Husband's Mouth, being a better Judge than he was) (c) legalized, by pronouncing Judgment for the Defendant; whereas, in the similar Instance now before us, your Lordship has given Judgment for the Plaintiff. What better Evidence can be had, what greater Proof desired, of the Goodness both of your Lordship's Head and Heart! In the former Case, the Judges, in the Reign of Charles the First, determined against the Subject, illegally, for the Crown: in the latter, your Lordship in the Reign of Georgethe Third, has determined for the Subject legally against the Crown. How striking is the Contrast! And yet there are not wanting some, who, seeing your Lordship's Merit through
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(c) V. Rap. Hist. V. 2. p. 296. Note, 2.

the hazy Atmosphere of Envy, would detract therefrom, by clogging your Lordship's Judgment with the Errors of false Glosses and unsound Reasoning. I was led to this Remark from seeing the Publication of your Lordship's Speech, which was said to be genuine, by a Barrister : But as I have great Respect for the Profession of this Publisher, and as he admits that what he has published was taken in Short-hand, I am ready to believe that his Misrepresentations were the Effect of Mistake ; seeing, as every body knows, how difficult a Matter it is to be accurate in the Use of Short-hand. The Insertion or Omission of a single Particle either of Affirmation or Negation, which ought not to be inserted or omitted, must, and will, give a Meaning the very Reverse of what was intended. Upon this candid Ground therefore, with Respect to the Writer, as well as in Defence of the Speaker of the Speech ; I shall attempt a short Criticism or two upon such Parts of it as appear to me to be exceptionable.

In Page the Ninth, it is said : " that although the King had sufficient Authority, before the 7th of October, 1763, to do such a legislative Act ; yet by the Proclamation of the 20th of July, 1764, he divested himself of that Authority." Now, my Lord, your Lordship sees how contrary this is to the Truth, and how impossible it is that your Lordship could have said this. If the Sentence

tence means any thing, it must mean that he had divested himself of that Authority by the Proclamation of the 7th of October, 1763, and not by the Proclamation of the 20th of July, 1764: but I mention this only in Support of my Observation, namely, how easy a Thing it is for a Writer in Short-hand to confuse and confound Things together.

My next Remark is a general one; and which is this: Your Lordship is made to say, that before the 7th of October 1763, the King might have exercised legislative Authority over the Island of Granada, but that after the 7th of October 1763, the King had by the Letters Patents of this Date, precluded himself from the Exercise of this Right.

Now in examining the Truth of these *obiter dicta*, it is necessary to observe, that there is a very material Difference between the Conquest of a Country without Capitulation; and the Conquest of a Country by Capitulation. In the first Case, the Conquered are left wholly at the Mercy of the Conqueror: he might put them to the Sword, or, in the stead of this, impose upon them whatever Conditions his Want of Humanity might dictate.* The Conquered must submit. In the second Case,

* This is said upon the general Idea of Civilians, with respect to Conquerors, without entering into any Distinctions between the Crown of England and the King of England. If this had been done, so much, perhaps, had not been admitted.

the Conquest is gained by Compact; or, in other Words, by Articles of Capitulation; which, whatever they are, must be sacredly and inviolably observed. The Conquest then of Granada was obtained by Articles of Capitulation: One of which was, that “Granada shall continue to be governed by their *present* Laws, until his Majesty’s Pleasure be known:” another that “The Inhabitants *being Subjects of Great Britain* will enjoy their Properties, and the same Privileges, as any other of his Majesty’s Leeward Islands.” These Terms being agreed to, there could be no Infraction of them: from the Instant they were concluded, the Hands of his Majesty were tied up: his Right over Granada was limited and defined. The Inhabitants of Granada were to be governed by their *present* Laws, till his Majesty’s Pleasure be known; and then, as Subjects of Great Britain, they were to enjoy their Properties, and the same Privileges as any other of his Majesty’s Leeward Islands. Now Letters Patents, or a Proclamation under the Great Seal of Great Britain, laying a *new* Tax upon them, could not be Part of their *present* Laws; and therefore whilst they remained to be governed by their *present* Laws, such Proclamation, consistently with the Articles of Capitulation, could not be enforced. When they ceased to be governed by their *present* Laws, that is, when the King’s Pleasure be known, what then? *As Subjects of Great Britain*, they were to enjoy their Properties and the same Privileges as any other of
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of his Majesty's Leeward Islands. One of the Privileges then of the Subjects of Great Britain in his Majesty's Leeward Islands is, to be taxed by Representatives in Assemblies there of their own choosing; and not by the King's Proclamation, which they consider only as an Enforcement of, or Aid to, the Law, and never as the Law itself. Any Proclamation therefore, which was contrary to the Privileges of British Subjects in his Majesty's Leeward Islands, was contrary to the Articles of Capitulation, and consequently also could not of Right be carried into Execution. It follows then, that the Proclamation of the 20th of July 1774, laying a Tax of $4\frac{1}{2}$ *per Cent* on the Inhabitants of Granada, could at no Time (if the King's Servants had not been guilty of the Inattention with which they are charged) have been valid, *after* the Articles of Capitulation were entered into; whatever it might have been if Granada had been conquered without Capitulation, and whilst the Inhabitants remained under military Government or martial Law. Therefore the Distinction of a Right of legislative Authority in the King over the Island of Granada, antecedently to the Proclamation of the 7th of October 1763, and the being precluded from that Right by the Proclamation of the 7th of October 1763, as it must necessarily have arisen from some Misapprehension of your Lordship's Meaning, so must it evidently fall to the Ground; leaving your Lordship's true Opinion conclusively to be, that *by the Articles of*

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Capitu-

Capitulation, the King had not, nor could not have had, from and after their Date, any Right whatsoever, by Proclamation, or otherwise, to exercise legislative Authority, of any sort, over the Inhabitants of the Island of Granada. This is the Light which spreads that Lustre over your Lordship's Judgment, reflective of so much Glory on yourself.

I shall now beg Leave, my Lord, to cite one other Precedent, with the same View, to the same End, and for the same Reason, that I have done the former; namely, to do Justice to a Character so much the Object of Justice. The Case is that of James Somerset a Negro, against John Knowles and others; and which in Point of Fact is merely this: Charles Stuart purchases the plaintiff Negro James Somerset, in the Colony of Virginia, and brings him over with him to England. For Reasons stated in the Proceedings, the said Stuart delivers the said Negro in Charge to the Defendant John Knowles, a Captain of a Vessel, with a View to his being carried back to Virginia, in order to be there resold. The Plaintiff, in Consequence of this, sues for, and obtains, a Writ of Habeas Corpus from your Lordship, and upon a Return being made thereto, and after a full and solemn arguing of the Case, your Lordship *discharged the Plaintiff*; thereby giving him that dearest of all Blessings, Liberty, with which he had never been blessed before.

Now

Now however conformable such a Determination as this was to the Principles of a People, where Liberty is the mighty Coloffus that carries the great constitutional Globe on his back; yet many were the Malecontents that appeared againſt it.

Their Objections were, that Great Britain was the Source, and Fountain, from whence the Trade of all its Subjects flowed: That whatever Trade had this Derivation was lawful, and whatever had not was unlawful: that the African Trade, or the buying and ſelling of Negroes, was a Trade eſtabliſhed by ſeveral Charters, and confirmed by repeated Acts of Parliament: that however unconſonant this was to Reaſon and Humanity, until Reaſon and Humanity ſhould alter the Law, the Exerciſe of this Trade was unqueſtionable: that if it was right to prohibit the Importation of Negroes to Great Britain, there ſhould be a Law made declaratory of this: but there was no ſuch Law; on the contrary the Trade was, *by Law*, open and general, confined neither to Place nor Perſon: that Mr. Steuart therefore could not loſe the Right he had legally acquired in his Negro Somerſet, by bringing him to the Place where that Right had originated: that as a Matter of lawful Trade he had an abſolute and unlimited Property in him; ſo unlimited (and Shame be it to the Lawgivers that it be ſo) that as a witty Counſel ſaid upon the Occaſion,

he might kill him, roast him, eat him, without being accountable to any One but to God and himself; to God for his Want of Humanity, to himself for his Want of Taste: that having such Property, Mr. Steuart could not be disseized thereof, otherwise than by verdict of a Jury: that he had been disseized thereof by the Sentence of a Judge; who being himself averse to the Mode of Trial by Juries, had established this Precedent, to shew that a Judge might dispose of Property without their Intervention. These, my Lord, were the Law Arguments which mere Lawyers were wont to use: but, O noble Enthusiasm! O immortal Honour to your Lordship! your Lordship's Love of Liberty was paramount to the Law. Steuart lost his Property, but Sommerfet gained his Freedom! To say more, my Lord, on this Subject, would be to take from and not to add to the Merit of so memorable a Record.

Thus supported, my Lord, by your Lordship's well-known Character, and upheld by Facts that need no Evidence but their own, in the full Idea of your Lordship's consummate Attention to, and perfect Veneration for, the Liberty of the Subject; I come now to lay before your Lordship, as the great and first Patriot of the Kingdom, the few following well-meaning, if mistaken, Thoughts, on the Measures of Government, with respect to America: in a Manner unnoticed before, and with a View to your Lordship's Interposition therein.

Rerum

Rerum cognoscere Causas was, my Lord, a Lesson that I learned, whilst a Schoolboy, of my Master Virgil ; and which, finding its Use, I have ever since remembered, and carried about with me, as a Rule to apply indiscriminately to all Subjects. It is with this Rule that I have measured the Measures of Government with respect to America. To judge of Effects, without knowing their final Causes, is the sure way of deceiving others as well as one's self ; and in no Instances so assuredly as in those of political concern. The Reason given, and the true Reason, is, like the modern ostensible Minister, and the Minister, never one and the same. I have therefore endeavoured to trace these Measures up to their first Principles, not only as the most certain Method of arriving at Truth, but as the only Means of administering to their Cure. Any other Applications are but like the Charms of Quacks for the Tooth-Ach : they may ease the Pain, but can never cure the Disease. The only radical Cure, says Doctor Laet, is to draw the Tooth. Even so it is with these Principles, which, unless torn from their Roots, will so weaken and destroy the Nerves and Sinews of the Constitution, as at length to put an End to its Existence.

By this analytical Method then of Proceeding, my Lord, your Lordship will find that every thing that has been already said on this Subject is here put quite out of the Question.

Right

Right of Taxation, virtual Representation, Supremacy of Parliament, the legislative Authority of Great-Britain, are all, as the French term it, *hors du Page*; and which I regard only, as so many Tubs thrown out to amuse the Whales, whilst the Harponeers are preparing the Tackle necessary for their Destruction.

But here, my Lord, I cannot help, by the bye, expressing my Admiration at the great Waste of Learning and Abilities that I have seen in the Discussion of these Points. One can scarcely conceive how Questions so short and simple, could have given Rise to Arguments so long and complex. To say, that it is necessary for Great-Britain to tax America, and therefore Great-Britain will do so, by Appeal to the Sword; is sound Logic: but to appeal to any other Argument than this, is the greatest Offence that ever was offered to Common Sense.

Can any one in his Senses, suppose that when the Supremacy of Parliament was established in this Country, that it was meant to run wild over all the terrestrial Globe, taking in now at one Stroke one quarter part thereof? That five hundred and fifty-eight Men in a little tiny Spot, in one Corner of Europe, should at this Time have the Lives, Liberties, and Properties of three Millions of People, and in all human Probability, in the Course of one Century more, the Lives, Liberties, and Properties

ties of fifty Millions more, at the Distance of three thousand Miles from them, exclusively at their Disposal? *Quis talia fando, temperet a Rifu?* No Englishman, my Lord, will deny the Supremacy of Parliament, however extended, within the Bounds of Reason: but Bounds it has, and so has even Nature itself. Whilst kept within these Bounds, whatever it does is right. The Ape that sits on the Ground discovers not his Want of a Tail: but so soon as he climbs on the Tree he exposes what should be concealed. Supremacy of Parliament is a high-sounding Word, having more Weight for Currency, as it ought to have, than intrinsic Value. There are many other Words too, my Lord, of the same Denomination. Who will deny that the King of England is King of Great-Britain, *France* and Ireland? And yet, my Lord, if he were to issue a Proclamation commanding his liege Subjects in France to do, or prohibiting them from doing, any Act, I have some little Reason to think that it would not be obeyed: unless, indeed, the late Quebec Act has altered their Affections, and given a new Turn of Loyalty to their Minds.

But to leave this Digression, and return to my Purpose. Every Government, my Lord, whether simple or mixed, defined as a Science, is, a System of Principles; and as an Art, the Application of those Principles to Use: from whence, by necessary Consequence, a Plan of

Government is deduced.. The Good or Evil to Society, therefore, within this Point of View, is in a proportionate Ratio to the Conformity of this Plan with the right or wrong Application of these Principles; and more especially so in the English Constitution, where the Principles are all right, and can only be made wrong by Perversion. Subservient then to this Plan are the Measures of Government, which are no more than the Means made Use of, in order to the End proposed. This being premised, it would not have been impertinent here to have shewn what the Principles of the English Constitution are, what ought to be their Application, and what the Plan of Government necessarily resulting therefrom: but as all Speculations, especially of this Sort, are best confirmed by Experiments, I shall leave both the one and the other, in trust, to the Abilities and Integrity of your Lordship. It remains then that I discover, not what the Plan of Government should be, but what it is; thereby furnishing a Key which may serve to open many other Locks, besides those under which the Measures of Government with respect to America are concealed.

There is, my Lord, a Principle in the English Constitution to which the Name of Prerogative was given, excellent in Idea, excellent in Fact; but on which were ingrafted Plants that yielded Fruit, very different from
those

those which the original Stock was intended to bear. Instead of its being applied to the beneficent Uses of the Crown for which it was designed, it was made to serve the contrary Purposes of it. It was held up as a Being armed with Power to annul the Law. It was clothed by those Prostitutes of Religion and Whores of Babylon, the Priests of old, in Robes of Divinity; as the Maid of Loretto, to whom Ignorance and Superstition still bend the Knee, now is in the Mammon of Unrighteousness.

But, my Lord, as by the Reformation we of this Country were taught that the Popes of Rome were not, in uninterrupted Succession from Peter the Apostle, the Key-Keepers of Heaven, to let us in or shut us out as they pleased; so by the Revolution we learned somewhat of the same Doctrine concerning our Kings. We found that they were not the indefeasible Key-Keepers of our Constitution: that they were not any longer to be considered as the Lord's anointed, many of them having been the Devil's anointed: that all those Claims *de Jure divino*, &c. were the mere Insignificancies of metaphysical Jargon: that Prerogative was not Absolute Power: with many other Discoveries, in the Cause of Humanity, which so distinguishes this Era in the Annals of English History.

To have had this Knowledge then, and not to have profited thereby, would have been unfuitable to the Character of Englishmen, who await the Assurance of Right only to practise it. Prerogative therefore, among other Grievances, was called to the Bar of Common Sense: it was arraigned for the many Violences and Bloodshed it had committed and occasioned: it was stript of its assumed Authority: it was brought back to its pure original Intention: it was made to mean, not a Right to do Wrong, but a Right to prevent Wrong: and, in short, being thus armed with Power to do Good, it was for ever after rendered incapable of doing Harm. This was among the Works of the wise and glorious Revolution, and which one would have thought had so intrenched the Liberties of the Subject, as to have rendered them secure against every Attack.

But, my Lord, as this Limitation of the King's Prerogative "by Bounds (to use the Words of the once great Commentator of the Law) so certain and notorious, that it is *impossible* he should ever exceed them, without the Consent of the People", (d) rendered it, from henceforth, an useless Weapon in the Hands of wicked and arbitrary Ministers; and as the Lust of Power is wont to encrease in Proportion to the Restraints that
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(d) Vid. Blackstone's Com. Vol. I. pag. 237.

are laid upon it: so did it become necessary, for the Purposes of these Abandonists, to call in some other Principle to their Assistance: which, although slower in Operation, was more morally sure in Event.

The Principle I mean, my Lord, and as applied, being the highest of high Treason to the Constitution, is as yet without an adequate Term in our Language to express it; and therefore being incapable of Definition, can be only known by Description and woeful Experience. The Principle is, my Lord, *to govern despotically through Parliament at the Will of the Minister: to let Tyranny wear the Face and have the Sanction of Law for its Perpetration: to turn the Cannon of the People, their Representatives, against themselves.*

This, my Lord, is that Rod of Iron which our slavish Backs are about to feel: This, that Terror to the Constitution long seen and dreaded, but reserved for modern Times to execute: this, that made the foreknowing Cecil to say "that England can never be undone but by a Parliament": this, that induced the inspired Montesquieu to affirm, "that when the legislative and executive Powers are united in the same Person, or in the same Body of Magistrates, there can be no Liberty: because Apprehensions may arise, lest the same Monarch or Senate should enact tyrannical Laws, to execute them in
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a tyrannical Manner: that if the legislative Body was once corrupted, the Evil would be past all Remedy: that as all human things have an End, the State we are speaking of (e) will lose its Liberty, *will* perish. Have not Rome, Sparta, and Carthage perished? It will perish when the legislative Power shall be more corrupt than the executive": This, from whose Source the Measures of Government with respect to America flow, in a Channel now so deep and open, and with a Gale so prosperous, that it needs not the Knowledge of a Pilot to discover the Navigation: This, in fine, my Lord, that directs my feeble Pen to invoke your Lordship to the Aid of this excellent Constitution now about to be held up as the Victim of itself.

I have said, my Lord, that this Abuse of Parliament, to use the most comprehensive Term I can, was a Terror to the Constitution long seen and dreaded. But, my Lord, when Means are insufficient to the End, the End cannot be attained. The Principle was known, the System was formed: but without Materials the most skilful Workman cannot finish his Work. 'Tis true, that whatever could be done, Knaves have helped Knaves to do. Sir Robert Walpole shewed the wretched Lengths to which self-Interest would go; exposed the Frailty

(e) England: vid. Vol. 1. B. XI. c. VI. Spirit of Laws.

Frailty and Weakness of human Nature; proved the Practicability of the Plan, and laid a broad Foundation for others to build upon: but more than this, the State of Times would not bear. Opposite Parties, distracted Views, the precarious Tenure of the Crown, were Obstacles, in a great measure, sufficient to counteract the Weight of the public Debt, the Encrease of Taxes, the Addition of Tax-gatherers, the Oppression of a Standing Army, with all the other acquired Influence of the Crown. The Time at length came, my Lord, when opposite Parties, distracted Views, the precarious Tenure of the Crown were no more. The Time is come, my Lord, when to the enormous Weight of Power already in the executive Scale of Government, is to be added, What? Not a Cornish Borough or two, not the Lordship of a Manor, but of a Continent tenfold bigger than all Europe, of America!

Here, my Lord, it is but right to pause, to think a little on Consequences.

Is the Interest of the State, my Lord, concerned in the Execution of this Plan? Are the Liberties of this Country (not to mention the Liberties of America, for of them even in this Land of Liberty it is Treason to speak) I say my Lord, are the Liberties of this Country to be better defended, and more protected, by the Success of this ministerial Project? Where is
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the Machiavel himself, my Lord, that will presume to broach, and on the Ground of Reason maintain this Doctrine? If the Right of Taxation is contended for, merely as a Right for Speculation, what Argument can support such a Proposition? If for Practice, what follows? Will Legions of additional Tax-gatherers, will the Revenue of increased Millions deposited in the royal Coffers, will the standing Army necessary to be kept up in America (if it is but to suppress the Practice of tarring and feathering) create Independence, or add Safety to Liberty? No my Lord: the Impression here is false; reverse the Medal, and there you will find the Truth.

Can your Lordship then, can this Country doubt, for a single Instant, of the Part that ought to be taken? Strange surely is that Contest, where Victory must end in Ruin. Were all the British Colonies in America, my Lord, at this Time disposed to obey the ministerial Call, and to surrender their natural as well as chartered Rights to Parliament, (as the Danes did their Liberties to Frederick the Third of Denmark, though not for the same good Reason, that the Tyranny of One is more to be endured than the Tyranny of a few) and to come under the Yoke, that is bending for them; the true Interest of this Country, the unchecked Spirit of the Constitution, would
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break out into this Apostrophe, "Forbear! forbear! These Ministers know not how much more the Half is than the Whole."

And now, my Lord, let not these Suggestions be regarded as the mere Dreams of a Politician, or the Delusions of Fancy. They are the Effects of Observation founded on Experience, the best and most useful Knowledge. Look back yourself, my Lord, for fourteen Years past; look forward for as many to come only; and then judge whether my Remarks are confirmed by Facts, and my Conclusions drawn from Reason, or not. The more I seek for Proofs, the more I find myself surrounded by them; and which, would my Leisure admit of it, I could produce so linked and chained together, that no Opposition would be able to unloose them. In such a Research, however, my Lord, it has been necessary for me, in order to throw Light on Enquiry, to examine and compare different Times, both ancient and modern, together. In doing which, my Lord, I have read, that when the good old King Charles the Seventh of France died, and Louis came to the Throne, his first Work was to clear the Court from all who served his Father, and pack off all the Princes of the Blood and ancient Nobility, and to create a new Set of Nobles for his Purpose. Your Lordship best knows whether any Comments can be made upon this Text. But, my Lord, I will come more immediately

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ly home, and to the Point, and say, that the Instance whereupon my Judgment of the present Times was principally formed, was this; and which I the rather mention too, because it left an Impression on me so very different from that on others. The Instance is the Act of Parliament of the 1st of G. 3. ch. 23. for rendering the Judges more independent of the Crown. Never was ministerial Bait for Popularity better thrown out, never more greedily swallowed: but, my Lord, as I happened not to be caught by it myself, I will apply here what was said upon another Occasion: "If it hath but the Name and Resemblance, the People look no farther; they see not into the Trick and Secrets of it; they are led by the Appearance so long, till they are past Recovery, and no Way is left them for a Retreat." There have been Times, my Lord, when this Act would have been most seasonable and gracious indeed. If it had passed in the Beginning of the Reign of Charles the First, Charles the First had never lost his Head. When Prerogative was opposed to Law, corrupt Judges were the necessary Tools of Government. To misconstrue, misapply, and pervert the Laws, were their joint and several Employments. They became therefore the immediate Channels of Corruption. But now, my Lord, that Corruption has taken a higher Course, "that the stern Commands of Prerogative (to use Words of great Authority) have yielded to the milder

milder Voice of Influence," (f) that Prerogative itself is swallowed up in the Law; to what End was this clamoured Independence of the Judges? With them there was left no Temptation for Corruption; to Government no Necessity for it. These were my Ideas, my Lord, upon this Event when it happened; and since I have had no Occasion to alter my Opinion: but on the contrary to be more confirmed in it. I have seen Acts of Parliament, my Lord, of which if their subject Matter had been brought before the Judges, I mean of these Days, unrobed of its Authority; they would have determined, *una voce*, that it was tearing up the Constitution by the Roots: but as it is, these are Acts of Parliament, and Judges cannot determine against them. In Confirmation of this, my Lord, I need do no more than turn my Eyes on the Act passed in the last Session of the last Parliament, and called the Quebec Act. As to the Boston Port Act and its Companions, those I will here leave without Notice, because it may be objected to me that Occasion was given for them. But, my Lord, Quebec did not dispute the Claim of Taxation by Parliament, it did not throw the Tea of the East India Company into the Sea. Why such an Act of Parliament then? Upon what Principle is it? To what Plan of Policy referred? The Act perhaps will best explain itself. What is it then? An

D 2 Act,

(f) Sir William Blackstone.

Act, my Lord, made by a *Protestant* Parliament, in a *Protestant* Country, where “*political Liberty is the very End of the Constitution,*” to *establish the Roman Catholic Religion,* and give *absolute Power* to the King, over Life, Liberty, and Property, in the Colony of Canada in America, encreased, for this special Purpose, to such Extent, as to be capable only of the Bounds which the Lines and Circles of the Heavens can describe for it. If any Minister of any King or Queen since the Reformation, and before the Revolution, had offered such a Bill as this to Parliament, even at the most favourable Conjunctions for them, what does your Lordship think would have been the Result? And yet, my Lord, the good People of Ireland professing at one Time, almost generally, the Roman Catholic Religion, and for which, by the bye, they have undergone one unremitting Scene of Persecution, were surely as well entitled to the Establishment of this their Religion as the Canadians now are. But our wise Ancestors knew for what wicked Purposes that Religion was contrived, to what wicked Purposes it had been applied. What new Circumstance then is it, that has arisen, to make us less jealous of it now, than we have heretofore been? None my Lord. Such a Country then as Canada, under such a Religion and Government, encreasing daily in internal and by external Population, to what Use might not a wicked Minister apply it? Where is the Check to prevent him? Where the Line, the *ne plus ultra*, beyond which he is not to go? Alas
poor

poor old England! in this is thy Doom conceived. Here is the Mausoleum raised for the Sepulture of thy Liberties! Liberties upon which the Attack is already begun. And see, my Lord, what Feats of Generalship are displayed. See how orderly the Siege advances. The Lines of Circumvallation are already drawn: the Out-posts are all securing before the Citadel is stormed. Are not the Out-posts in the East Indies surrendering at Discretion? Is not Canada in the Hands of our Ministerial Generals? Are not Nova Scotia, and the Georgias now under Parley? Will not the Frontiers of America from Nova Scotia to Georgia be forced to submit, whenever they shall be dra-gooned into the Claim of Taxation? And whenever this happens, will not the West-India Islands fall of Course? Thus surrounded, my Lord, Bribery and Corruption will at length do, what all the civil and foreign Wars against this Country could never accomplish: *Make Slaves of Britons.* I shall conclude this Subject, my Lord, by a Quotaion from an Author who appears to have been not unob-servant of these Maneuvres. “ Ever to begin at the Extremes, is a well known Rule in the Art of attaining to Despotism. The more distant the Design, the deeper laid is the Scheme, and the more sure in its Consequences. As in the Body natural, even so is it in the Body politic. The Disease that lays hold of the Toe, often finds its Way to the Heart. Gradual Encroachments by imperceptible Move-
ments,

ments, are the most dangerous Symptoms, they call off Attention to Remedies, and lull Suspicion to Sleep. But may all Lovers of Liberty ever have their Eyes open and awake to this despotic Process! He that would tyrannise in America or abroad, awaits only the Opportunity of becoming a Tyrant at Home."

Hitherto, my Lord, I have considered the Measures of Government, with respect to America, as the certain obvious and effectual Means, if pursued, of carrying into execution a Plan, so demonstratively and barefacedly plain, for the Subversion of the Liberties of this Country; that none but a Minister of State can or will attempt to deny its actual Existence and downright Intention. I shall now beg leave, my Lord, to illustrate and confirm what I have said, by an Argument drawn from the extreme Want of Policy in, and Weakness of, these Measures. And here, my Lord, I must be bold to assert, that without the Plan now laid before your Lordship to account for the Adoption of these Measures, so totally inconsistent are they with every Principle of Policy, so destructive of every Idea in which the Welfare of this Country is conceived, and let me add, so void of common Sense, that it is impossible that any Set of Men, out of the Confines of Bethelam, could have professed themselves the Authors and Abettors of them. And being thus weak, my Lord, will it be any strained Inference to say, that they must be wicked?

Every

Every Body knows, my Lord, that this is a Kingdom of Commerce, an immense Capital in Trade, and every individual Man, without Exception, a Merchant therein. Loaded as it is with a National Debt, so large that a Sale of all its Lands would not discharge it, from what Fund is it to carry on its Business, and maintain its Credit? Let us apply to the Chancellor of the Exchequer: It is a Question that will not puzzle, and his Information may be depended upon. In the mean while I will take the Answer upon Hazard, and say, that the very Being of this Nation, as a Nation, depends on that Stream alone which flows from the Fountain Head of Commerce, and which, unless nourished, watched over, and attended to, with all the Art and Care of Man, nay, unless fresh Springs are opened to feed and supply it, will become a Resource insufficient even for the Wants of Luxury; and surely much more so (but which Heaven avert) for the numberless unknown Exigencies of a War. Compare then, my Lord, and square, if you can, this State of Things with the Measures now carrying on against America. Are Armies, Fleets, Guns, Bullets, Bag Shot, as Major Sturgeon says, the Pumps, the Conduits, the Aqueducts, that are to convey the American Trade to its British Reservoir? I fear, my Lord, that these Passages are more likely to serve as Drains than as Conveyances.

Besides,

besides

Besides, my Lord, to use a Scripture Phrase, "Is thy Servant a Dog, that you treat him thus?" Are the Americans so many Spaniels, that grow fonder by Punishment? Or, like the Lamb at the Altar, will they turn their Heads to lick the Hands upraised to shed their Blood? Britons, and the Sons of Britons, are unfit Subjects to make these Experiments upon. Why try to conquer the Body when the Heart is invincible? Mutual Intercourses of good Offices, Confidence, and not Diffidence, my Lord, will add more in one Year to the Treasury Books, in Account, than the combined Force of this Kingdom will extort in fifty.

But to enforce what I have said by an Example. Islands in the West Indies have been parcelled out into so many landed Lots for Sale. Adventurers in the Sugar Trade have become the Purchasers of them. Parliamentary Encouragement has been given for the settling of them. Acts have passed to induce and enable Foreigners, as well as Englishmen, to lend Money upon them. Considerable Sums have been borrowed. In Consequence of these Means, the Quantity of Sugar imported to this Country has increased, as in the Proportion of Six to Ten, and will, unless put a Stop to by the Measures of Government, annually increase in greater Proportion.*

* The Importation of Sugar last Year to the London Market only was 160,000 Hogheads; this Year it has been 135,000.

Instead

Instead then of opening every possible Mart for Consumption, in Correspondency with the Encouragement given for this Produce, virtual Embargoes are laid upon it. Tea, that first and great Consumer of this Commodity,† is sent to the North Americans, on purpose to disgust them from the Use of it. It had its Effect. They will use no Tea, insomuch then they will of Course consume no Sugar. What is the Consequence? Ask the Planters and Merchants: They will shew that the Market here is so glutted with Sugar that it sells now for less than the prime Cost to the Manufacturers of it. But in this I have anticipated a Subject already under the Consideration of that very respectable Body of Planters and Merchants, from which it will come with greater Dignity, more Weight and Propriety, and with much better Information, than I am able or can pretend either to have or give.

Upon the whole, my Lord, if these Things are so, and would to God they were not so, to whose Mediation for Redress can the British Empire look with so many Circumstances of Propriety as to your Lordship's? Stamped with Abilities and Integrity, as one of the

† It has been experienced that one Pound of Tea will expend eight Pounds of Sugar; and upon a Calculation of this, it has been made to appear, that 52,000 Hogsheads of Sugar are consumed in Great Britain, from this Article alone.

great and first Weights in that noble Scale of the Constitution, designed in just Equipoise to hold the other two, what may not your Lordship in the Cause of Truth effect? We have a good and gracious Sovereign, who will never disdain to lend his Ear to Representations accompanied by such Authority; and thereby rendering himself, *in Fact*, that All in All, as yet known but *in Idea*, a Patriot King. We have a Parliament too, upright and honest, (for Justice will have it so, till the Contrary shall appear) disposed to fulfil their Duty at this important Crisis of Affairs, open to Conviction. The People at large know not their Danger nor their Enemies. 'Tis fitting that they do both. Things remote affect them not. They never see Consequences, nor lay aught to Heart that is not immediately present before their Eyes. What remains then for your Lordship to do? Montesquieu tells us,* "That as the Person entrusted with the executive Power cannot abuse it without bad Counsellors, and such as hate the Laws, as Ministers, though the Laws favour them as Subjects; these Men may be examined and punished." Whoever these are, my Lord, or wheresoever they are, seek, find, accuse them, that Impeachment might follow Accusation, and wreck its Vengeance on them. Drag them from behind the Throne of

* Spirit of Laws, Vol. I. P. 225.

Majesty,

Majesty, and let the royal Footstep be the
Block of Justice for their Heads.

In fine, my Lord, be to *these Conspirators*,
and to this Country, what Cicero was to Ca-
taline and to Rome.

F I N I S.

(32)

Black & white, and the royal London for the
Black & white.



In the year 1711, the Countess of
and to the Countess of Devon was in the
Countess of Devon.

1711

